

Diaz, Angelique

From: Diaz, Angelique
Sent: Thursday, August 08, 2013 9:44 AM
To: 'pgoble@utah.gov'; 'jpmorris@utah.gov'
Subject: FW: update on NESHAPS for uranium mill tailings

Angelique D. Diaz, Ph.D.
303.312.6344

From: Rosnick, Reid
Sent: Wednesday, July 17, 2013 4:36 AM
To: sclow@utemountain.org
Cc: Diaz, Angelique; tnatori@utemountain.org; Celene Hawkins; H. Michael Keller; Colin Larrick
Subject: RE: update on NESHAPS for uranium mill tailings

Scott,

I have just been notified that you did not receive this email. My apologies. I'm resending it below.

Dear Scott,

It has been a couple of years since we met in White Mesa, I hope all is well with you. Thank you for your comments on the status of the impoundments at the White Mesa mill. I have also been in discussions with EPA's Region 8 office, as well as the Utah Division of Air Quality, which has been delegated authority to operate the Subpart W program. Both EPA HQ and the Region 8 office have been in discussions over this issue. EPA agrees with your determination that the White Mesa Mill is currently out of compliance with the limitation on the number of impoundments allowed by Subpart W. However, since two of the impoundments are being used as ponds, the mass flux of radon would be calculated to be zero. Since there would be no calculated health impacts from the additional impoundments being used as holding ponds, the Region does not plan to pursue enforcement at this time.

Regarding a Tribal consultation on the proposed Subpart W rulemaking, the package is currently under review by the Office of Management and Budget. As soon as that review has concluded I will be in touch to discuss consultations. Thanks, Scott.

Reid

From: Scott Clow [<mailto:sclow@utemountain.org>]
Sent: Tuesday, July 09, 2013 12:21 PM
To: Rosnick, Reid
Cc: Diaz, Angelique; tnatori@utemountain.org; Celene Hawkins; H. Michael Keller; Colin Larrick
Subject: update on NESHAPS for uranium mill tailings

Dear Mr. Rosnick,
It has been a long time since we met in White Mesa, Utah. I have checked in with Angelique Diaz at region 8 periodically on this subject, and 2 weeks ago we were informed by the Utah DRC that EPA has periodic conference calls with them regarding the implementation of this law and its pending improvements.

DRC stands by the position that only 2 tailings cells are in use at the White Mesa facility, but it is our understanding that all 3 of the old cells are in use as well as the 2 new 40-acre cells. We have not been able to find any documentation that describes when Cell 2 went in to “final closure” as described in the NESHAPS law, so we consider it to be “in use” as described in the current radioactive materials license for the facility.

Please inform us of how this situation is viewed from your perspective and when we might have the opportunity for Tribal consultation on the revised NESHAPS law.

Thanks,

Scott Clow

Environmental Programs Director

Ute Mountain Ute Tribe